



09/933725

01/11/04
JHW

My name is Steve Everett, inventor of a block (brick) making machine. The name of the invention is Tango II soil block press US Patent no. 6, 749,783. On Feb. 5 2001 I filed a provisional patent for this invention. On June 15, 2004 my patent was published. Upon reviewing this publication, specifically the references cited. One in particular got my attention because of the close similarities to my invention. This particular citing is not a published patent, but rather a published application having the application no. 20030082258, whose inventors name is James Henderson. Because of the date of my patent publication and the date on Mr. Henderson's patent application , I was concerned that the Examiner for Mr. Henderson's application may not have been aware of the recent publication of my patent ,consequently the Examiner for Mr. Henderson's application may be unaware of the art being shown in my patent .

Reviewing the regulations for submitting an Information Discloser Statement, I was made aware of a limited time to present this submission after the publication of a patent application, however considering the date in which my patent was published, the art shown in Mr. Henderson's application was unaware to me until that date, making it impossible for me to respond with this Information Discloser Statement within the time frame required. For this reason I am requesting consideration to receive this submission.

Respectfully

Steve Everett

07/23/2004 FFANAI2 00000001 09933725

01 FC:1806

180.00 DP



Commissioner For Patents

I am sending Two
seperate INS Forms
because I am unsure
of the information I am
allowed to submit. If
the INS 1 of 2 has
information not allowed
please disregard and use
2 of 2

Regards

Steve Everett

Under the
Substitute

Approved for use through 07/31/2006. OMB 0651-0031

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(Use as many sheets as necessary)

Sheet 1 of 2

Application Number	2003 008 2258
Filing Date	Oct. 18 - 2001
First Named Inventor	Henderson James M
Art Unit	
Examiner Name	
Attorney Docket Number	

Publication Date May 1 - 2003

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.1	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (# known)			
		US- A 1	May 1 2003	Henderson James	P. 2 of 10 Claim 1
		US- A 1	May 1 2003	Henderson James	P. 2 of 10 Claim 2
		US- A 1	May 1 2003	Henderson James	P. 2 of 10 Claim 4
		US- A 1	May 1 2003	Henderson James	P. 2 of 10 Claim 5
		US- A 1	May 1 2003	Henderson James	P. 2 of 10 Claim 6
		US- A 1	May 1 2003	Henderson James	P. 2 of 10 Claim 7
		US- A 1	May 1 2003	Henderson James	P. 2 of 10 Claim 9
		US- A 1	May 1 2003	Henderson James	P. 2 of 10 Claim 12
		US- A 1	May 1 2003	Henderson James	P. 3 of 10 Claim 13
		US- A 1	May 1 2003	Henderson James	Summary of Invention
		US- A 1	May 1 2003	Henderson James	P. 4 of 10 0010
		US- A 1	May 1 2003	Henderson James	P. 4 of 10 0011
		US- A 1	May 1 2003	Henderson James	P. 4 of 10 0013
		US- A 1	May 1 2003	Henderson James	P. 4 of 10 0014
		US- A 1	May 1 2003	Henderson James	Abstract
		US- A 1	May 1 2003	Henderson James	P. 1 of 10
		US- A 1	May 1 2003	Henderson James	P. 1 of 4 P. 2 of 4
		US- A 1	May 1 2003	Henderson James	P. 3 of 4 P. 4 of 4

[illegible]

Examiner
Signature

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. Do NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Substitute for form 1449A/PTO

Complete if Known

Application Number	20030082258
Filing Date	Oct. 18 - 2001
First Named Inventor	Henderson James M
Art Unit	
Examiner Name	
Attorney Docket Number	

(Use as many sheets as necessary)

Sheet 2 of 2

[illegible][illegible]

Examiner
Signature

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Mr. James Henderson



My name is Steve Everett, I was recently granted a patent for a machine to make adobe bricks. Reading the patent publication I was made aware of your patent application, of which have strong similarities to my invention. Making a decision to submit an information disclosure statement to the U S Patent Office, I am obligated to inform and present to you this submission.

Regards

Steve Everett

A handwritten signature in cursive script that reads "Steve Everett".

Copy of Letter
Sent to Mr. Henderson
with patent and all information
sent to Patent office

party submission to the Office in an IDS in compliance with 37 CFR 1.97 and 37 CFR 1.98 to ensure such material information is properly disclosed to the examiner.

I. WHEN MUST A THIRD-PARTY SUBMISSION BE FILED

37 CFR 1.99(e) specifies that a submission under 37 CFR 1.99 must be filed within two months from the date of publication of the application (37 CFR 1.215(a)), or prior to the mailing of a notice of allowance (37 CFR 1.311), whichever is earlier. Republication of an application under 37 CFR 1.211 does not restart the two-month period specified in 37 CFR 1.99(e).

Any submission not filed within the periods specified in 37 CFR 1.99(e) is permitted only when the patents or publications could not have been submitted to the Office earlier (e.g., an amendment submitted in the application after publication changes the scope of the claims to an extent that could not reasonably have been anticipated by a person reviewing the published application during the period specified in 37 CFR 1.99(e)). Submissions after the periods specified in 37 CFR 1.99(e) must be accompanied by (1) a statement that the patents or publications being submitted in the submission could not have been submitted to the Office earlier, and (2) the processing fee as set forth in 37 CFR 1.17(i).

II. CONTENTS REQUIREMENTS FOR A THIRD-PARTY SUBMISSION

Prior to filing a submission under 37 CFR 1.99, the patents or publications being submitted must be served upon the applicant pursuant to 37 CFR 1.248. A submission under 37 CFR 1.99 must identify the application to which it is directed by the application number and must include:

- (A) a certification that the third party has served the information being submitted upon the applicant in compliance with 37 CFR 1.248(b).
- (B) a listing of the patents or publications submitted for consideration by the Office (including the date of publication of each patent or publication);
- (C) a copy of each listed patent or publication in written form or at least the pertinent portions thereof;
- (D) an English language translation of all pertinent parts of any non-English language patent or publication in written form; and
- (E) a certification that the third party has served the information being submitted upon the applicant in compliance with 37 CFR 1.248(b).

Pursuant to 37 CFR 1.99(d), a submission cannot include any of the following:

- (A) more than ten total references (patents or publications);
- (B) explanations of the patents or publications;
- (C) documents other than patents or publications (e.g., the submission cannot include any affidavits or declarations); or
- (D) markings or highlights on the patents or publications.

The third party may, however, submit redacted versions of a patent or publication containing only the most relevant portions of the patent or publication. The Office will review submissions to determine whether they are limited to patents and publications and remove any explanations or documents other than patents and publications from the submission before the submission is placed in the file of the application and forwarded to the examiner. The Office will dispose of such explanations or documents if included in a submission. Furthermore, if the explanation cannot be readily removed from the patents or publications (e.g., highlights), the patents or publications will be discarded.

III. NO THIRD-PARTY PARTICIPATION

The involvement of a third party in filing a submission under 37 CFR 1.99 ends with the filing of the submission. A third party may include a self-addressed postcard with a

37 CFR 1.98

37 CFR 1.97

37 CFR 1.248 (b)

(Michel Poe)
ask

included in a submission under this section. A submission under this section is also limited to ten total patents or publications.

(e) A submission under this section must be filed within two months from the date of publication of the application (§ 1.215(a)) or prior to the mailing of a notice of allowance (§ 1.311), whichever is earlier. Any submission under this section not filed within this period is permitted only when the patents or publications could not have been submitted to the Office earlier, and must also be accompanied by the processing fee set forth in § 1.17(i). A submission by a member of the public to a pending published application that does not comply with the requirements of this section will be returned or discarded.

(f) A member of the public may include a self-addressed postcard with a submission to receive an acknowledgment by the Office that the submission has been received. A member of the public filing a submission under this section will not receive any communications from the Office relating to the submission other than the return of a self-addressed postcard. In the absence of a request by the Office, an applicant has no duty to, and need not, reply to a submission under this section.

Once an application has been published under 35 U.S.C. 122(b), a member of the public (i.e., a third party to the prosecution proceeding of the application) may submit patents and publications relevant to the published application pursuant to 37 CFR 1.99. The patents and publications may be entered in the application file if the submission complies with the requirements of 37 CFR 1.99 and the application is still pending when the submission and application file are brought before the examiner. The submission must be served upon the applicant in accordance with 37 CFR 1.248 prior to the filing of the submission in the Office.

The purpose for permitting a third party to submit relevant patents or publications in a published application is to enhance the quality of examination of the application. This objective is accomplished by informing the examiner that such relevant patents or publications are in existence and should be considered when evaluating the patentability of the claims.

To ensure that a third-party submission under 37 CFR 1.99 does not amount to a protest or pre-grant opposition without express consent of the applicants, 37 CFR 1.99 does not permit the third party to have the right to insist that the examiner consider any of the patents or publications submitted.

If the submission is not in compliance with 37 CFR 1.99, information filed in the submission may be removed prior to the examiner receiving the submission and application file. The Office will screen third-party submissions to determine whether they are limited to patents and publication, and to remove any explanations or information (other than patents and publications) from the submission before the submission is placed in the application file and forwarded to the examiner. If the explanations cannot be separated from the patents or publications, such patents or publications will be discarded. By the time the examiner receives the application file and submission, some or all patents or publications in the submission may have been discarded.

The entry of a submission under 37 CFR 1.99 does not mean that the patents or publications contained in the submission will be necessarily considered and cited by the examiner. Unless the examiner clearly cites a patent or publication on form PTO-892, "Notice of References Cited" and such patent or publication is used in a rejection or its relevance is actually discussed during prosecution, the patent or publication will not deemed to have been "considered" for purposes of reexamination under the *Portola* guidelines. See MPEP § 2242 under the subsection "General Principles Governing Compliance With Portola Packaging."

If the applicant wants to ensure that the information in a third-party submission is considered by the examiner, the applicant should submit such information in an IDS in compliance with 37 CFR 1.97 and 37 CFR 1.98. Since the third party is required to serve the applicant a copy of the submission, applicant may file the IDS prior to the Office receiving or acting on the submission. Furthermore, an individual who has a duty to disclose under 37 CFR 1.56 should submit any material information contained in a third-

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